

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SCOTT W. SCHIFF, et al.,

Plaintiffs,

v.

**EXCLUSIVE LEGAL MARKETING,
INC., et. al.**

**Case No. 2:17-CV-00237-MHW
JUDGE MICHAEL H. WATSON
Magistrate Judge Jolson**

Defendants.

OPINION AND ORDER

In its February 20, 2018 Opinion and Order ruling on Plaintiff’s Motion for Sanctions (Doc. 33), the Court made the following findings: Defendants Exclusive Legal Marketing, Inc. (“ELM”) and Coety Bryant failed to obey this Court’s discovery orders for many months (Doc. 43 at 5); Plaintiffs suffered clear prejudice based on Defendants’ disobedience (*id.*); the attorney’s fees sought by Plaintiffs, which total \$13,897.75, are not disproportionate to the value of this case (*id.* at 6); and Mr. Bryant’s representations related to his inability to pay were insufficient to support the conclusion that a sanction award would be unjust (*id.* at 6–7). Consequently, the Court granted Plaintiff’s Motion for Sanctions, but refrained from awarding costs and fees until Defendants had the opportunity to file any documentation demonstrating an inability to pay. (Doc. 43). The Court thus directed Mr. Bryant to file any such documentation within seven days and additionally directed the parties to meet and confer in an effort to resolve the issue. (*Id.* at 1).

On February 22, 2018, the Court received a joint status report from the parties that stated Mr. Bryant alleged during the meet and confer that “he had no monetary assets and could not

make any offer of monetary compensation, but that he would be providing this Court with information to demonstrate that he had no assets.” Mr. Bryant, however, filed no such documentation, and the time for doing so has passed.

Upon review of Plaintiffs’ fee documentation (Doc. 33-1), the Court finds the requested fees of \$13,897.75 to be reasonable. Moreover, even to the extent that paying the fees presents some hardship to Defendants, the Court finds that based upon all the facts and circumstances of this action, awarding Plaintiffs’ their expenses is not unjust. Accordingly, Plaintiffs are **GRANTED** \$13,897.75 in attorney’s fees.

IT IS SO ORDERED.

Date: February 28, 2018

/s/Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE